

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 58102

Norman H. Harlock
Michael Stratigareas
8703 Stockwell Road
Baltimore, MD 21234

342 Oberle Avenue

Respondents

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 3, 2009, for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 428 failure to cease illegal outside storage of unlicensed inoperable motor vehicles; (BCZR) section 1B01.1D, Baltimore County Code (BCC) section 13-7-115, 13-7-312, failure to cease illegal open dump conditions on residential property zoned DR 5.5 known as 342 Oberle Avenue, 21221.

On May 7, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Stuart Kelly issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$12,000.00 (twelve thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 6, 2009 requesting removal of unlicensed/inoperable motor vehicle, and requesting removal of junk, trash and debris and correction of open dump conditions. This Citation was issued on May 7, 2009.

B. Photographs in the file show appliances, household items, furniture, lumber, paint cans and other contractor materials, bagged garbage, junk, trash and debris in the yard and porch and driveway of this single-family house. This violates prohibitions against accumulation of trash and debris on residential property, and creation of possible harborage for rats.

C. Respondents were issued Correction Notices for similar code violations in 2007 and 2008. Open dump conditions continue unabated at this property, which is not Respondents' principal residence according to state property tax records.

D. Photographs also show a green Dodge Caravan minivan without license plates. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B).

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if Respondents correct the violations by July 1, 2009, by removing all junk, trash and debris from the yard and porch, and removing the untagged and/or inoperative motor vehicle from the premises. If the Respondents fail to correct the violations by July 1, then the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer